	Application No.	Applicant(s)
	10/019,093	MAIS ET AL.
Notice of Allowability	Examiner	Art Unit
	Thomas McKenzie, Ph.D.	1624
The MAILING DATE of this communication app All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85 NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT I of the Office or upon petition by the applicant. See 37 CFR 1.31	pears on the cover sheet with the S (OR REMAINS) CLOSED in this o) or other appropriate communica RIGHTS. This application is subje	application. If not included tion will be mailed in due course. THIS
1. This communication is responsive to <u>7/19/04</u> .		
2. The allowed claim(s) is/are 10-18.		
3. $\square$ The drawings filed on $\_\_\_$ are accepted by the Examin	er.	
<ul> <li>4.  Acknowledgment is made of a claim for foreign priority of a)  All b)  Some* c)  None of the:</li> <li>1.  Certified copies of the priority documents have 2.  Certified copies of the priority documents have 3.  Copies of the certified copies of the priority documents have linternational Bureau (PCT Rule 17.2(a)).</li> <li>* Certified copies not received:</li> </ul>	ve been received. ve been received in Application No	· ·
Applicant has THREE MONTHS FROM THE "MAILING DATE noted below. Failure to timely comply will result in ABANDON THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.		ply complying with the requirements
5. A SUBSTITUTE OATH OR DECLARATION must be subr INFORMAL PATENT APPLICATION (PTO-152) which give		
6. CORRECTED DRAWINGS (as "replacement sheets") mu	ust be submitted.	
(a) $\square$ including changes required by the Notice of Draftsper	rson's Patent Drawing Review ( P1	CO-948) attached
1) 🗌 hereto or 2) 🔲 to Paper No./Mail Date	<u>_</u> .	
(b)  including changes required by the attached Examiner Paper No./Mail Date	's Amendment / Comment or in th	e Office action of
Identifying indicia such as the application number (see 37 CFR each sheet. Replacement sheet(s) should be labeled as such in		
7. DEPOSIT OF and/or INFORMATION about the deposit attached Examiner's comment regarding REQUIREMENT		
Attachment(s) 1. ☐ Notice of References Cited (PTO-892) 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☑ Information Disclosure Statements (PTO-1449 or PTO/SB/Paper No./Mail Date 12/19/01	6. ☐ Interview Summa Paper No./Mail	Date
Examiner's Comment Regarding Requirement for Deposit of Biological Material	8. ⊠ Examiner's State 9. □ Other	Momas C. McKenzie, Ph. D Examiner Art Unit 1624

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## Statement of Reasons for Allowance

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- Claims 10-18 are allowed. The following is an Examiner's statement of 1. reasons for allowance: Applicants' argument that the reaction of Bowen (WO 95/29166 A1) could proceed through an intermediate with two attached –C(O)-Cl radicals and with no free hydroxyl group on pyrimidine is plausible. proposed mechanism would not involve any free 4-chloro-6-hydroxypyrimidine, as presently claimed. While there is no evidence for this mechanism, neither is there any evidence for the Examiner's proposed mechanism involving sequential reactions, beyond the argument of stoichiometery. Applicants' proposed mechanism would also accommodate the requirement of the stoichiometery needed by Bowen (WO 95/29166 A1). Thus, the inherent presence of 4-chloro-6hydroxypyrimidine in the teachings of Bowen (WO 95/29166 A1) is not at the level of certainty required by the case law. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".
- 2. Information regarding the status of an application should be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public

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PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free). All Post-Allowance correspondence concerning this application must be mailed to the following address:

Box Issue Fee Commissioner for Patents Washington, DC 20231.

Such correspondence (amendments under 37 CFR 1.312, IDS statements, formal drawings etc) also may be faxed to the Office of Patent Publications at (703) 308-5083. Sending Post-Allowance papers to Technology Center 1600 will only cause delays in matching papers with the case.

Thomas C. McKenzie, Ph.D.

Patent Examiner Art Unit 1624

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